



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO. 2285 OF 2025 (A)

BETWEEN:

1. SRI ANAND JOSEPH, S/O SOMANNA
AGED ABOUT 25 YEARS
R/AT NO.434, 7TH MAIN
14TH CROSS, NEAR WATER TANK
CAUVERY NAGAR, BANASHANKARI II STAGE
BENGALURU - 560 070.

...APPELLANT

(BY SRI. G RAKESH RAJ.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
TALAGHATTAPUA P.S. BANGALORE
REPY BY STATE PUBLIC PROSECUTOR HIGH COURT
OF KARNATAKA, BANGALORE- 560 001.
2. VICTIM GIRL (C.W.1)
REP. BY HER MOTHER HAMSA
W/O LATE LOKESH
AGED 16 YEARS, PRESENT ADDRESS
R/AT NO.260, 7TH MAIN
CAUVERY NAGAR, BANASHANKARI 2ND STAGE
BENGALURU CITY-560 050.

...RESPONDENTS





(BY SRI.M DIWAKAR MADDUR HCGP FOR R1,NOTICE TO R2 IS SERVED AND UNREPRESENTED.)

CRL.A FILED U/S 14(A)2) OF SC/ST (POA) ACT BY THE ADVOCATE FOR THE APPELLANT PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED 03.07.2025 PASSED BY THE HONBLE ADDL.DISTRICT AND SESSION JUDGE, FTSC(2) BENGALURU RURAL DISTRICT AT BENGALURU IN CRL.MISC.NO.1103/2025 REGISTERED P/U/S 376(j),376(2)(i)(n),376(3) R/W 4(2),5(i),5(1),6 OF POSCO ACT AND SEC.3(1)(w)(i),3(2)(v) OF SC/ST (POA) ACT REGISTERED BY RESPONDENT THALAGATTAPURA P.S. AND ENLARGE THE APPELLANT ON BAIL IN SPL.C.C.NO.335/2025 OF CR.NO.107/2025 OF RESPONDENT THALAGATTAPURA P.S. REGISTERED FOR OFFENCE P/U/S 376(j),376(2)(i)(n),376(3) R/W 4(2),5(i),5(1),6 OF POSCO ACT AND SEC.3(1)(w)(i),3(2)(v) OF SC/ST (POA) ACT, PENDING BEFORE ADDL.DISTRICT AND SESSIONS JUDGE, FTSC-2 (POCSO) BENGALURU RURAL BENGALURU

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

ORAL JUDGMENT

The appellant has preferred this appeal against the order dated 03.07.2025, passed by the learned Additional District and Sessions Judge, FTSC-II, Bengaluru Rural District at Bengaluru, (hereinafter referred to as 'Trial Court'), in Crl.Misc. No.1103/2025.



2. The brief facts leading to this appeal are that, on the basis of the complaint lodged by the complainant, Thalagattapura Police have registered a case in Crime No.107/2025 against the accused Nos.1 and 2 for commission of offences punishable under Sections 376(2)(j), 376(2)(i)(n), 376(3) of IPC, r/w 4(2), 5(i), 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 (for short 'POSCO Act'), and Sec.3(1)(w)(i), 3(2)(v) of SC and the ST (Prevention of Attrocities) Act, 1989, (for short 'SC/ST(POA) Act').

3. After investigation, the Investigating Officer has submitted the charge sheet against the accused. The present appellant is accused No.1. The charge sheet is filed against the accused for the offences punishable under Sections 376(2)(j), 376(2)(i)(n), 376(3) of IPC, r/w 4(2), 5(i), 5(1), 6 of 'POSCO Act', and Sec.3(1)(w)(i),3(2)(v) of 'SC/ST(POA) Act'.



4. The appellant had filed an application under Section 483 of BNSS for grant of bail, and the same came to be rejected by the learned Trial Judge. Being aggrieved, the appellant is before this Court in this appeal.

5. The learned counsel for the appellant/accused would submit that, the charge sheet has been filed during the course of the trial. There was a pendency of FSL report to be submitted on DNA of both the accused in this case. As per the charge sheet, the FSL material was submitted as an additional document during the course of the trial. The DNA report submitted by the prosecution, reveals that, DNA of both accused is not matching, which clearly goes to show that the present appellant is innocent of the alleged offences. Intentionally and deliberately, the appellant/accused No.1 herein has been implicated by the victim girl and her mother. Appellant/accused is not required for further investigation, and on all these grounds, he sought to allow this appeal.



6. I have examined the materials placed on record.

7. The Investigating Officer has submitted the charge sheet against the accused for the offences punishable under Sections 376(2)(j), 376(2)(i)(n), 376(3) of IPC, r/w 4(2), 5(i), 5(1), 6 of 'POSCO Act', and Sec.3(1)(w)(i),3(2)(v) of 'SC/ST(POA) Act'. At the time of filing the charge sheet, Investigating Officer had not received the DNA report. Now, DNA report of the accused is placed before this Court. The opinion of the concerned-Authority as to the DNA of the accused is as under:

" 2. The DNA profile result of baby of victim, sample blood sent in Sl.No.4 is not matching with the DNA profile result of Anand Joseph s/o Somanna, sample blood sent in Sl.no.2.

3. The DNA profile result of baby of victim, same blood sent in Sl.4 is not matching with the DNA profile result of Mohan Kumar s/o Shanth Kumar sample blood sent in Sl.no.3"

8. Further, it opines that, victim, D/o Lokesh, sample blood sent in Sl.No.1 is included from being the biological mother and Anand Joeshp, S/o Somanna, and



Mohan Kumar, S/o Shantha Kumar, sample blood sent in Sl.Nos.2 and 3, respectively are excluded from being the biological father of baby of victim.

9. Without expressing any opinion on the merits of the case, since the appellant/accused is not required for any further investigation, I proceed to pass the following:

ORDER

(i) The Appeal is allowed.

(ii) The impugned order dated 03.07.2025, passed by the learned Additional District and Session Judge, FTSC-II, Bengaluru Rural District at Bengaluru, in Crl.Misc. No.1103/2025 is hereby set aside. Consequently, application filed under Section 483 of BNSS, 2023, r/w Section 413 of Cr.P.C. is allowed.

(iii) The appellant shall be released on bail on executing a self bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the Trial Court.



(iv) The appellant shall not tamper or threaten the prosecution witnesses in any manner.

(v) The appellant shall not indulge in similar offences.

(vi) The appellant shall not leave the jurisdiction of the trial Court without prior permission.

(vii) The appellant shall appear before the trial Court and shall co-operate for speedy trial.

The Registry is directed to send a copy of this order to the trial Court.

Sd/-
(G BASAVARAJA)
JUDGE

HR